

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CONSTANCE OEHLER,

Plaintiff,

- against -

DOMAIN SELECT WINES ESTATES LLC,
et al.,

Defendants.
-----X

DOCUMENT

ELECTRONICALLY FILED

CC#:

DATE FILED: 4-22-10

09 Civ. 2244 (VM)

CONDITIONAL

ORDER OF DISCONTINUANCE

WITHOUT PREJUDICE

VICTOR MARRERO, United States District Judge.

Counsel for defendants, on behalf of the parties, having notified the Court, by letter dated April 20, 2010, a copy of which is attached, that the parties have reached an agreement in principle to resolve this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action and any pending motions to its active docket and the parties shall be directed to appear before the


Court, without the necessity of additional process, on a date within ten days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to withdraw any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
22 April 2010



VICTOR MARRERO
U.S.D.J.



OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

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April 20, 2010

Honorable Victor Marrero, U.S.D.J.
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Suite 660
New York, New York 10007

Re: Constance Oehmler v. Domaine Select Wines Estates, LLC, et al.
Civil Action No.: 09-2244

Dear Judge Marrero:

This firm represents defendants Domain Select Wine Estates, LLC, Charmer Sunbelt Group, and Paolo Domeneghetti in this case. I am writing to respectfully advise Your Honor that the parties have resolved this matter and are in the process of executing a settlement agreement. We expect to file a Stipulation of Dismissal shortly.

Thank you for your courtesies and consideration.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.



Eric C. Stuart

ECS:aa

cc: Daniel Kaiser, Esq.
Susanne Kantor, Esq.

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